

REMARKS

1. Introduction

In the Office Action mailed May 19, 2009, the Examiner rejected claims 1, 2, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Mothwurf et al., U.S. Pub. No. 2001/0036857 ("Mothwurf") in view of Parra et al., U.S. Patent No. 5,839,960 ("Parra").

The Examiner rejected claims 3, 4, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Mothwurf and Parra, and further in view of Torango, U.S. Pub. No. 2002/0042297 ("Torango").

The Examiner rejected claims 5-11 and 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Mothwurf, Parra, and Torango, and further in view of Sarno, U.S. Patent No. 6,024,641 ("Sarno").

The Examiner rejected claims 12, 13, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Mothwurf, Parra, Torango, and Sarno, and further in view of Vancura, U.S. Patent No. 7,297,059 ("Vancura") and Rodesch et al., U.S. Patent No. 5,988,638 ("Rodesch").

The Examiner rejected claims 14, 15, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Mothwurf and Parra, and further in view of Stupak et al., U.S. Patent No. 5,851,147 ("Stupak").

The Examiner rejected claims 16 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Mothwurf and Parra, and further in view of Vancura.

In addition, the Examiner rejected claims 17-32 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and the Examiner rejected claims 16 and 32 under 35 U.S.C. § 112, ¶ 2 as being indefinite.

In response, Applicant has amended claims 1, 13, 16, 17, and 32, and Applicant has canceled claim 2. Thus, claims 1 and 3-32 are currently pending.

For the reasons set forth below, Applicant requests reconsideration and allowance of the claims, as amended herein.

2. Response to the rejections under § 101

The Examiner has rejected claims 17-32 under § 101 as being directed to non-statutory subject matter. More particularly, the Examiner has alleged that claims 17-32 are non-statutory because “the process recited is purely a series of steps performed without the use of any particular apparatus.” *See* Office Action, p. 2. In response, Applicant has amended claim 17 to specify that a computer workstation is used to place a wager and that a gaming server randomly selects an outcome of the game of chance being played. This amendment is supported by Applicant’s specification, for example, at: page 8, lines 12-18; page 8, line 29 – page 9, line 8; and page 9, lines 20-30. Because amended claim 17 is tied to a particular apparatus (including a computer workstation and a gaming server), Applicant submits that claim 17 and its dependent claims are clearly directed to statutory subject matter under § 101.

3. Response to the rejections under § 112

The Examiner has rejected claims 16 and 32 under § 112 as being indefinite. More particularly, the Examiner has argued that the language “preferably about three percent” in these claims is unclear. In response, Applicant has deleted this language from claim 16 and 32. Applicant submits that amended claims 16 and 32 clearly comply with the requirements of § 112.

4. **Response to the rejections under § 103**

a. **Claims 1 and 3-16**

Of these claims, claim 1 is independent. The Examiner has rejected claim 1 under § 103 as being unpatentable over Mothwurf in view of Parra. In response, Applicant has amended claim 1 to recite, *inter alia*, “a plurality of random event generators corresponding to the plurality of different games of chance.” This amendment is supported by Applicant’s specification, for example, at page 17, lines 12-27 (referring to the ability to add participating games to the system and to have different online casinos participate in the system, with each casino being able to link its own menu of games for participation in the common jackpot). Applicant submits that amended claim 1 is clearly allowable over Mothwurf in view of Parra, as set forth below.

In rejecting claim 1, the Examiner alleged that Mothwurf discloses a random event generator, specifically citing paragraphs 148-151. In this regard, Mothwurf discloses a hit generation unit 26 which determines whether the jackpot has been won (paragraph 148) and further discloses that hit generation unit 26 can be configured as a random number generator that generates a random number in response to a trigger signal 74 (paragraph 149). But Mothwurf discloses only one such random number generator. Moreover, the playing of any game, such as a slot machine, video game, or card game can lead to a trigger signal 74 (which would then be received by hit generation unit 26). *See* paragraph 151.

Thus, Mothwurf does not disclose “a plurality of random event generators corresponding to the plurality of different games of chance,” as recited in amended claim 1. Instead, Mothwurf discloses a *single* random event generator that is operable to generate a random number when

any game in the casino is played. Further, Parra does not make up for this deficiency in Mothwurf.

Accordingly, Applicant submits that claim 1, as amended, is allowable over Mothwurf and Parra for at least the foregoing reasons. Applicant further submits that claims 3-16 are allowable for at least the reason that these claims are dependent upon an allowable claim.

b. Claims 17-32

Of these claims, claim 17 is independent. The Examiner has rejected claim 17 under § 103 as being unpatentable over Mothwurf in view of Parra. In response, Applicant has amended to specify that the determinable portion of the contents of the accumulation account are determined as a function of factors a), b), and c), i.e., as a function of all three factors. Applicant submits that amended claim 17 is clearly allowable over Mothwurf in view of Parra, as set forth below.

In rejecting claim 17, the Examiner referred only to factor a), alleging that paragraph 42 of Mothwurf discloses “a determination facility responsive to placement of the wager to determine the determinable portion of the contents of the accumulation account as a function of a relative size of the wager.” *See* Office Action, p. 4. But the Examiner has not shown that Mothwurf discloses a method that considers all three factors.

With respect to factor b), the Examiner alleged (in rejecting claims 9 and 25) that Mothwurf discloses “that the determination facility determines the size of the wager as a function of a particular permissible playing currency in which the wager is denominated and a corresponding denomination of the units or fractional units of that playing currency,” specifically citing to paragraphs 54 and 58. *See* Office Action, p. 7. But paragraph 54 simply refers to the “amount of bet” and paragraph 58 refers to the “minimum possible bet amount (denomination,

for example one dollar machine or ten dollar machine).” Thus, Mothwurf does not refer to “a number of different permissible playing currencies,” as recited in amended claim 17. Instead, Mothwurf refers to only one currency (the dollar).

With respect to factor c), the Examiner alleged (in rejecting claims 11 and 27) that Mothwurf discloses “that the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of a favorable outcome as a function of the jackpot cycle of the game of chance being played,” specifically citing Fig. 7 and paragraph 171. *See* Office Action, p. 8. But Fig. 7 shows a win table for the jackpot prizes, not different jackpot cycles for different games of chance. *See* paragraphs 164-167. Similarly, paragraph 171 refers to the probability of winning a jackpot prize, not to different jackpot cycles for different games of chance.

In view of the foregoing, Applicant submits that Mothwurf does not disclose using either factor b) or factor c) to determine the determinable portion of the contents of the accumulation account, as recited in amended claim 17. Applicant further submits that Parra does not make up for this deficiency in Mothwurf.

Accordingly, Applicant submits that claim 17, as amended, is allowable over Mothwurf and Parra for at least the foregoing reasons. Applicant further submits that claims 18-32 are allowable for at least the reason that these claims are dependent upon an allowable claim.

5. Conclusion

Applicant submits that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the

subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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